

ESTTA Tracking number: **ESTTA1112300**

Filing date: **02/04/2021**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	National Collegiate Athletic Association		
Entity	unincorporated association	Citizenship	Indiana
Address	700 W. WASHINGTON STREET INDIANAPOLIS, IN 46204 UNITED STATES		
Attorney information	DOUGLAS N. MASTERS LOEB & LOEB LLP 321 N. CLARK ST. SUITE 2300 CHICAGO, IL 60654 UNITED STATES Primary Email: tmlilt@loeb.com Secondary Email(s): dmasters@loeb.com, tgilles@loeb.com 3124643100		
Docket Number			

Registration Subject to Cancellation

Registration No.	6143370	Registration date	09/01/2020
Registrant	Virginia Urology Center, P.C. 9101 STONY POINT DRIVE RICHMOND, VA 23235 UNITED STATES		

Goods/Services Subject to Cancellation

Class 044. First Use: 2019/12/13 First Use In Commerce: 2019/12/13 All goods and services in the class are subject to cancellation, namely: Physician services; medical services, namely, treatment services in urology for adults; medical evaluation services, namely, functional assessment program for patients receiving urological treatment services for purposes of guiding treatment and assessing program effectiveness; urologic surgery
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration	4376829	Application Date	10/06/2010
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No.			
Registration Date	07/30/2013	Foreign Priority Date	NONE
Word Mark	MARCH MAYHEM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2012/03/01 First Use In Commerce: 2012/03/01 Promoting the goods and services of others by allowing others to affiliate their goods and services with intercollegiate athletic events; association services,namely, promoting the interests of intercollegiate athletics</p> <p>Class 041. First use: First Use: 2012/03/01 First Use In Commerce: 2012/03/01 Entertainment services in the nature of athletic contests, games, tournaments, exhibitions and events; Providing athletic information via the Internet</p>		

U.S. Registration No.	1571340	Application Date	03/09/1989
Registration Date	12/12/1989	Foreign Priority Date	NONE
Word Mark	MARCH MADNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 1986/03/10 First Use In Commerce: 1986/03/10 ENTERTAINMENT SERVICES, NAMELY, PRESENTATION OF ATHLETIC AND ENTERTAINMENT PERSONALITIES IN A PANEL FORUM</p>		

U.S. Registration No.	2425958	Application Date	07/01/1993
Registration Date	02/06/2001	Foreign Priority Date	NONE
Word Mark	MARCH MADNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 028. First use: First Use: 1993/08/09 First Use In Commerce: 1993/08/09 basketballs, basketball backboards [and related accessories, namely, pumps, inflation needles and nets]</p>		

U.S. Registration No.	2425962	Application Date	01/20/1995
Registration Date	02/06/2001	Foreign Priority Date	NONE
Word Mark	MARCH MADNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1989/12/00 First Use In Commerce: 1989/12/00 [pre-recorded video cassettes featuring sporting events]</p> <p>Class 016. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00</p>		

	<p>programs, folders, handbooks, magazines and trading cards related to inter-scholastic activities</p> <p>Class 021. First use: First Use: 1979/00/00 First Use In Commerce: 1979/00/00 [cups and mugs]</p> <p>Class 024. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 [towels and cloth banners]</p> <p>Class 025. First use: First Use: 1994/00/00 First Use In Commerce: 1994/00/00 clothing, namely shirts, sweatshirts, [shorts,] and hats</p>
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U.S. Registration No.	2478254	Application Date	03/08/1993
Registration Date	08/14/2001	Foreign Priority Date	NONE
Word Mark	MARCH MADNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1991/03/31 First Use In Commerce: 1991/03/31 wearing apparel associated with an annual basketball tournament between college teams; namely, tee shirts, sweatshirts, sweat pants, caps, sweaters and jackets		

U.S. Registration No.	2485443	Application Date	02/22/1993
Registration Date	09/04/2001	Foreign Priority Date	NONE
Word Mark	MARCH MADNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1982/03/31 First Use In Commerce: 1982/03/31 entertainment in the nature of basketball tournaments between college teams		

U.S. Registration No.	3025527	Application Date	05/21/2004
Registration Date	12/13/2005	Foreign Priority Date	NONE
Word Mark	MARCH MADNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1996/03/00 First Use In Commerce: 1996/03/00 [Computer game software and related instructional manuals and guides sold as a unit]</p> <p>Class 038. First use: First Use: 2001/03/00 First Use In Commerce: 2001/03/00 Telecommunications services; namely the transmission of voice, data, images, audio, video and information via local and long distance telephone, satellite and global computer networks; leasing telecommunications equipment, components, systems and supplies; electronic mail services; telephone voice messaging services; providing multiple-user access to global computer networks to transmit, receive and otherwise access and use information of general interest to con-</p>		

	sumers; web casting of athletic games, tournaments, exhibitions, and events via the Internet Class 041. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00 providing sports information via the Internet
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U.S. Registration No.	3303263	Application Date	11/06/2003
Registration Date	10/02/2007	Foreign Priority Date	NONE
Word Mark	MARCH MADNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00 Carbonated soft drinks		

U.S. Registration No.	3967586	Application Date	07/28/2006
Registration Date	05/24/2011	Foreign Priority Date	NONE
Word Mark	MIDNIGHT MADNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1987/10/14 First Use In Commerce: 1987/10/14 Promoting the goods and services of others by allowing others to affiliate their goods and services with intercollegiate athletic events; association services,namely, promoting the interests of intercollegiate athletics Class 041. First use: First Use: 1987/10/14 First Use In Commerce: 1987/10/14 Entertainment services in the nature of athletic contests, games, tournaments, exhibitions and events		

U.S. Registration No.	4430117	Application Date	08/05/2011
Registration Date	11/05/2013	Foreign Priority Date	NONE
Word Mark	MARCH MADNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1979/00/00 First Use In Commerce: 1979/00/00 Cups and mugs		

U.S. Registration No.	4493186	Application Date	04/21/2010
Registration Date	03/11/2014	Foreign Priority Date	NONE
Word Mark	MUNCH MADNESS		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 041. First use: First Use: 2010/02/04 First Use In Commerce: 2010/02/04 organizing an online tournament that allows persons to rank and rate their favorite restaurants</p> <p>Class 043. First use: First Use: 2010/02/04 First Use In Commerce: 2010/02/04 providing information about restaurants; providing reviews of restaurants</p>

Attachments	VASECTOMY MAYHEM NOO.pdf(1081511 bytes)
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Signature	/Douglas N. Masters/
Name	Douglas N. Masters
Date	02/04/2021

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 6143370 for VASECTOMY MAYHEM

THE NATIONAL COLLEGIATE)	
ATHLETIC ASSOCIATION)	
)	
Petitioner,)	
)	
v.)	Cancellation No.: _____
)	
VIRGINIA UROLOGY CENTER, P.C.,)	
)	
<hr style="width: 40%; margin-left: 0;"/>		
Registrant.		

PETITION FOR CANCELLATION

The National Collegiate Athletic Association, an Indiana unincorporated association, (“NCAA” or “Petitioner”) believes it has been and will continue to be damaged by the registration for the mark VASECTOMY MAYHEM, Reg. No. 6143370 (“Registration”), owned by Virginia Urology Center, P.C., a Virginia professional corporation (“Registrant”), and covering “physician services; medical services, namely, treatment services in urology for adults; medical evaluation services, namely, functional assessment program for patients receiving urological treatment services for purposes of guiding treatment and assessing program effectiveness; urologic surgery” in International Class 44 (“Registrant’s Services”), and petitions to cancel the same.

As grounds for cancellation, Petitioner alleges:

1. Petitioner is a voluntary association of colleges and others that promotes the interests of student athletes and intercollegiate athletics.
2. Since long prior to August 13, 2019, the filing date of the application that resulted in the Registration, Petitioner, itself and through its licensees, has used the marks MARCH

MADNESS, MARCH MAYHEM and other marks containing the synonyms MADNESS or MAYHEM (collectively referred to as the “NCAA Marks”) in connection with its collegiate sports tournaments, including, *inter alia*, with NCAA’s MARCH MADNESS Division I Men’s College Basketball Tournament (the “Tournament”), as well as in connection with a variety of other goods and services as approved by Petitioner.

3. Petitioner has registered the NCAA Marks in the United States Patent and Trademark Office (the “USPTO”), including, but not limited to, the following:

Mark	Registration No.	Status
MARCH MAYHEM	4376829	Incontestable
MARCH MADNESS	1571340	Incontestable
MARCH MADNESS	2425958	Incontestable
MARCH MADNESS	2425962	Incontestable
MARCH MADNESS	2478254	Incontestable
MARCH MADNESS	2485443	Incontestable
MARCH MADNESS	3025527	Incontestable
MARCH MADNESS	3303263	Incontestable
MIDNIGHT MADNESS	3967586	Incontestable
MARCH MADNESS	4430117	Registered
MUNCH MADNESS	4493186	Registered

4. These registrations are valid, subsisting and owned by NCAA, most are incontestable in accordance with 15 U.S.C. §§ 1065, 1115.

5. Petitioner has offered/sold millions of dollars' worth of goods and services in connection with the NCAA Marks.

6. Petitioner has spent significant sums advertising and promoting the NCAA Marks throughout the United States.

7. The NCAA Marks have acquired distinctiveness in connection with Petitioner's goods and services and become famous.

8. Registrant seeks to market its services in connection with NCAA's Tournament.

9. Initially, Registrant adopted and used the mark VASECTOMY MADNESS to promote its medical services by making explicit references to NCAA's Tournament in order to associate Registrant and its services with NCAA and the Tournament. Examples of such uses are included in Exhibit A.

10. Registrant assigned its rights in VASECTOMY MADNESS to NCAA and NCAA licensed the mark to Registrant to use in a proscribed manner for a limited period of time. That license has expired.

11. Insistent on continuing to use the Tournament to market its services, on August 13, 2019, Registrant filed an application with the USPTO seeking registration of the mark VASECTOMY MAYHEM for the Registrant's Services and alleging an intent to use the mark in commerce. Registrant filed a Statement of Use alleging first use of VASECTOMY MAYHEM in commerce on December 13, 2019 and the Registration issued on September 1, 2020.

12. Registrant has used the VASECTOMY MAYHEM mark to promote its medical services using basketball references and imagery in the same manner as it did with VASECTOMY

MADNESS, including making references to NCAA's Tournament. Examples of such uses are included in Exhibit B.

13. Registrant's Registration of VASECTOMY MAYHEM for use in connection with the Registrant's Services, in particular with references to basketball or Tournament, is without Petitioner's consent or permission.

14. Registrant's VASECTOMY MAYHEM mark is confusingly similar to the NCAA Marks, and continued registration and use by Registrant of VASECTOMY MAYHEM with the Registrant's Services is likely to result in confusion, mistake or deception with Petitioner and/or the goods and services marketed in connection with the NCAA Marks, or in the belief that Registrant or its VASECTOMY MAYHEM services are in some way legitimately connected with, or sponsored, licensed or approved by, Petitioner.

15. Prior to the filing date of the application that resulted in the Registered Mark, the NCAA Marks became distinctive and famous in accordance with 15 U.S.C. § 1125(c).

16. Registrant's Registration and use of VASECTOMY MAYHEM in commerce in connection with the Registrant's Services is likely to dilute the distinctive quality and reputation of the NCAA Marks.

WHEREFORE, continued registration of the Registered Mark is and continues to be damaging to Petitioner and we request that it be cancelled.

Please debit our Deposit Account No. 502876 for the filing fee for this Petition for Cancellation and any additional necessary fees.

Please address all correspondence to Douglas N. Masters, Loeb & Loeb LLP, 321 North Clark Street, Suite 2300, Chicago, Illinois 60654.

Date: February 4, 2021

LOEB & LOEB LLP

By: / Douglas N. Masters /
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Attorneys for Petitioner

EXHIBIT A

uro.com/news/vasectomy-madness-strikes-again/

he health and safety of our patients and staff, please reschedule your appointment if you have the flu or flu-like symptoms. Cancellation fees will

f in t Search...

Parking Lot Check In Patient Portal Telemedicine 804-330-9105


VIRGINIA UROLOGY

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Vasectomy Madness Strikes Again

Published: March 2, 2011

During the month of March, Virginia Urology will offer patients a special "recovery kit" if they have their vasectomy performed between March 16 - April 1. Prime basketball is on the tube all month so no better time to get it done. Lay back and watch your favorite team as you recuperate all weekend with your wife totally supporting your lounging. Call 419-2487 or click here to schedule your consult today.



Vasectomy Madness

Watch later Share

HOOPS MADNESS Idea

MORE VIDEOS here's a genius hoops madness idea in

0:02 / 0:30 YouTube

Urogynecology Team

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David B. Glazier, M.D.
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Rebecca Meekins, M.D.
Katherine M. Oxford, D.P.T., O.C.S.
Kara M. Parker, N.P.
Susan H. Williams, FNP-BC

URL <https://www.uro.com/news/vasectomy-madness-strikes-again/>

Print date February 3, 2021



URL https://www.youtube.com/watch?v=NR_G7VgZyhI&feature=youtu.be

Print date February 3, 2021

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EXHIBIT B

→ uro.com/about-us/vasectomy-mayhem/ ☆

For the health and safety of our patients and staff, please reschedule your appointment if you have the flu or flu-like symptoms. Cancellation will not apply.

f in Search... Parking Lot Check In Patient Portal Telemedicine 804-330-9105

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Vasectomy Mayhem

Vasectomy Mayhem is the promotion we run that allows men to plan their vasectomy around something they want to watch on tv with minimal interruptions. You need to be resting with ice on the surgical site, so what better way to do that than watching your favorite sporting event, tv-series or reading a good book! Originally it started so men could watch college basketball for the 3 recovery days but now it is offered all year long and what a great way to get uninterrupted "me" time with the wife's approval!!! So, go ahead, pick your event and give us a call at 330-9105 to schedule your initial consultation.

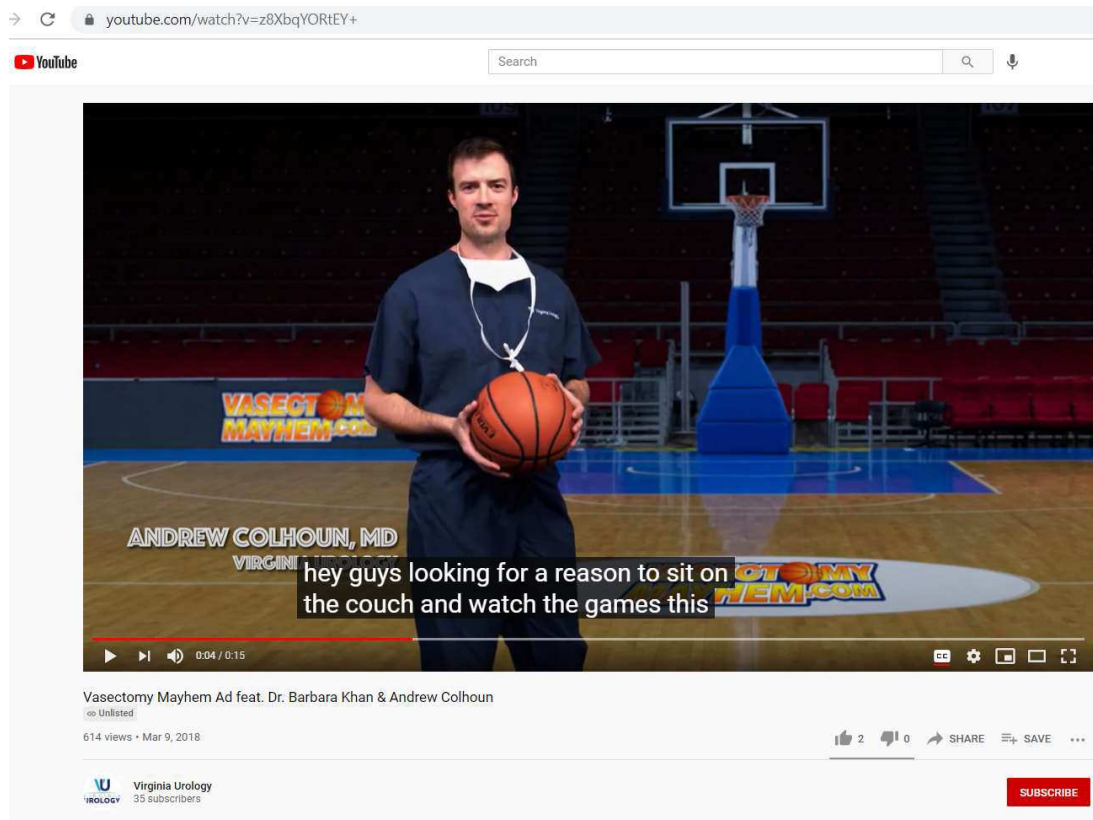
Here is some important information about having a vasectomy at Virginia Urology:

Consultation Appointment

As with any surgery, a consultation with a urologist is needed. Patients are examined and the procedure is discussed. Vasectomies are performed at our surgery center located in our Stony Point facility and most are performed on Fridays. When scheduling the procedure, our precertification team will check insurance coverage and let you know your benefits. Keep in mind that as the new year begins, deductibles reset and out of pocket costs may be higher.

URL <https://www.uro.com/about-us/vasectomy-mayhem/>

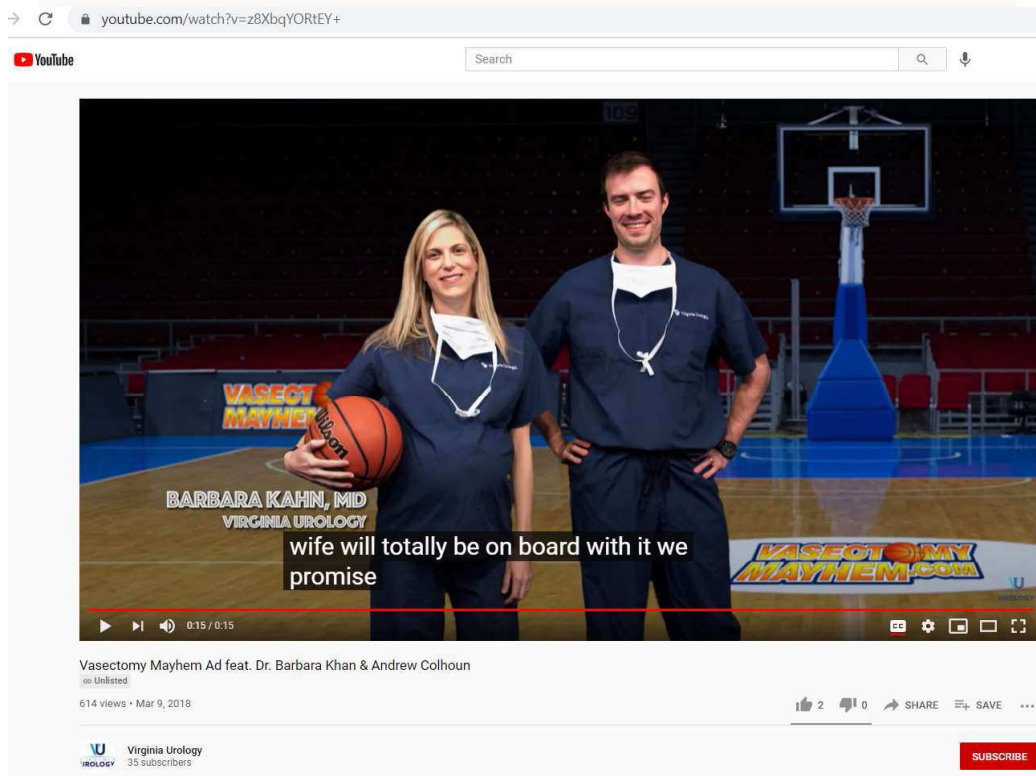
Print date February 3, 2020



URL <https://www.youtube.com/watch?v=z8XbqYORtEY>

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